

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA

Plaintiff,

-vs-

Case No. 3:18-CR-198

DONALD SMITH

Defendant.

ORDER

This matter is before the Court on Defendant's Motion to Reconsider (doc.12) filed on October 18, 2019. On January 30, 2017, Defendant was placed on an O. R Appearance Bond in Case No. 3:17-cr-25-01 with the condition of Curfew with Location Monitoring. He subsequently was sentenced in Case No. 3:18-cr-198 to a term of 108 months. He is requesting this Court reconsider his home confinement as presentence credit.

The Court finds that pursuant to 18 U.S.C. 3585(b), although Defendant was placed on location monitoring prior to his surrender of a federal sentence, location monitoring is a form pretrial release and is not official detention and therefore, **DENIES** Defendant's Motion to Reconsider (doc. 12).

DONE and **ORDERED** in Dayton, Ohio, this 21st day of October, 2019.

s/ Thomas M. Rose

THOMAS M. ROSE JUDGE
UNITED STATES DISTRICT COURT